

Specter
StabenowTester
WebbWhitehouse
Wyden

NOT VOTING—7

Coburn
Dole
EnsignHarkin
Lieberman
McCain

Nelson (FL)

The PRESIDING OFFICER. On this vote, the yeas are 48, the nays are 45. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The Republican leader.

Mr. MCCONNELL. Mr. President, I wanted to take a moment to explain the next vote. The President indicated over the weekend that he would veto a 30-day extension. We have been dealing with this issue for almost a year. We have in the Rockefeller-Bond proposal a bipartisan compromise that came out of Intelligence 13 to 2. There is no need for a 30-day extension. But even if there were, you wouldn't get a 30-day extension by adding it to this bill. It is extremely important to oppose the 30-day extension. We know it won't become law on this bill. It wouldn't become law if it were passed free-standing, because the President would veto it. We may be talking about a very short-term extension here in the next few days, but we are still on FISA after today. We will not get off FISA until we make some determination of how we are going to dispose of this important measure.

I urge all my colleagues to vote against cloture on the 30-day extension amendment.

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. Mr. President, we all acknowledge the Intelligence Committee did a good job on this piece of legislation. But the Intelligence Committee knew, everyone knew, there was concurrent referral of this legislation. It was always anticipated and believed, rightfully so, that the Judiciary Committee would take up this matter. And they did. They made some suggestions in the way of changes. We are entitled to vote on those. That is all we are asking. That isn't too unreasonable. For the President to not agree to any extension is unreasonable. The House is going to pass a 30-day extension in the morning. They are going to pass that. We are going to have the opportunity to vote on a 30-day extension. This would send an appropriate message to everyone that a 30-day extension is fair and reasonable. As I said in my remarks before the last vote, people are crying wolf a little too often. This legislation we have before us, if it doesn't pass, the work done by the Intelligence Committee and the Judiciary Committee will go for naught. But still, under the legislation we passed previously, the legislation will still be in effect. FISA is not gone. We all want to work to improve this. That is what this is all about. But we need some votes to do that. That is what we are asking.

Everyone here should understand, if you are voting today not to extend this

legislation for 30 days, you are going to have to vote on it in the near future because the House is sending us the exact same measure tomorrow.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the Reid amendment No. 3918 to S. 2248.

John D. Rockefeller, IV, Dianne Feinstein, Jeff Bingaman, Debbie Stabenow, Sheldon Whitehouse, Daniel K. Inouye, Charles E. Schumer, Thomas R. Carper, Bill Nelson, E. Benjamin Nelson, Frank R. Lautenberg, Richard Durbin, Ken Salazar, Tom Harkin, Sherrod Brown, Harry Reid.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, is it the sense of the Senate that debate on amendment No. 3918, offered by the Senator from Nevada, Mr. REID, to S. 2248, a bill to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that act, and for other purposes, shall be brought to a close.

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Iowa (Mr. HARKIN), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Florida (Mr. NELSON) are necessarily absent.

I further announce that, if present and voting, the Senator from Iowa (Mr. HARKIN) would vote "yea."

Mr. KYL. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. COBURN), the Senator from North Carolina (Mrs. DOLE), the Senator from Nevada (Mr. ENSIGN), and the Senator from Arizona (Mr. MCCAIN).

Further, if present and voting, the Senator from North Carolina (Mrs. DOLE) would have voted "nay."

The PRESIDING OFFICER (Mr. PRYOR). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 48, nays 45, as follows:

[Rollcall Vote No. 4 Leg.]

YEAS—48

Akaka	Conrad	Lautenberg
Baucus	Dodd	Leahy
Bayh	Dorgan	Levin
Biden	Durbin	Lincoln
Bingaman	Feingold	McCaskill
Boxer	Feinstein	Menendez
Brown	Inouye	Mikulski
Byrd	Johnson	Murray
Cantwell	Kennedy	Nelson (NE)
Cardin	Kerry	Obama
Carper	Klobuchar	Pryor
Casey	Kohl	Reed
Clinton	Landrieu	Reid

Rockefeller
Salazar
SandersSchumer
Stabenow
TesterWebb
Whitehouse
Wyden

NAYS—45

Alexander
Allard
Barrasso
Bennett
Bond
Brownback
Bunning
Burr
Chambliss
Cochran
Coleman
Collins
Corker
Cornyn
CraigCrapo
DeMint
Domenici
Enzi
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lugar
MartinezMcConnell
Murkowski
Roberts
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Thune
Vitter
Voinovich
Warner
Wicker

NOT VOTING—7

Coburn
Dole
EnsignHarkin
Lieberman
McCain

Nelson (FL)

The PRESIDING OFFICER. On this vote, the yeas are 48, the nays are 45. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. ROCKEFELLER. Mr. President, I move to reconsider the vote.

Mr. BOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MORNING BUSINESS

HONORING OUR ARMED FORCES

SERGEANT JON MICHAEL SCHOOLCRAFT, III

Mr. BAYH. Mr. President, I rise today with a heavy heart and deep sense of gratitude to honor the life of a brave soldier. SGT Jon Michael Schoolcraft, III, 26 years old, died January 19 in Taji, Iraq. Sergeant Schoolcraft died of injuries he sustained when an improvised explosive device detonated near his vehicle. With an optimistic future before him, Jon risked everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

Jon Schoolcraft, called Mike by his friends, graduated from Wapakoneta High School in Ohio in 2001. Growing up in Ohio with his mother, Cindy Schoolcraft-Hooker, Mike also spent time in Madison, IN, visiting his father, Mike Schoolcraft, Jr. Mike excelled at sports and particularly enjoyed skateboarding. His sense of duty to his country and a desire to see the world drove him to enroll in the Army's Delayed Entry Program while in high school.

After serving a first tour in Iraq, Mike reenlisted, telling a friend that he could not imagine doing anything other than being a soldier. In November of last year, Mike married his wife Amber and decided that his next tour in Iraq would be his last so they could begin a family. Mike was assigned to C Company, 1st Battalion, 27th Infantry Regiment, 25th Infantry Division in Schofield Barracks, HI. For his extraordinary service, Mike was posthumously awarded the Purple Heart.

Today, I join Mike's family and friends in mourning his death. While

we struggle to bear our sorrow over this loss, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of Mike. Today and always, Mike will be remembered by family members, friends and fellow soldiers as a true American hero, and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring Mike's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg: "We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here." This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Mike's actions will live on far longer than any record of these words.

It is my sad duty to enter the name of SGT Jon Michael Schoolcraft, III, in the RECORD of the U.S. Senate for his service to this country and for his profound commitment to freedom, democracy and peace. When I think about this just cause in which we are engaged, and the unfortunate pain that comes with the loss of our heroes, I hope that families like Mike's can find comfort in the words of the prophet Isaiah who said, "He will swallow up death in victory; and the Lord God will wipe away tears from off all faces."

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Mike.

SMALL BUSINESS STIMULUS ACT

Mr. KERRY. Mr. President, over the past few months, our country has experienced instability and volatility in its credit markets. This looming credit crisis is affecting virtually every sector of the economy, including small business financing.

Since its inception in 1953, the Small Business Administration's 7(a) loan guaranty program has become the largest single source of long-term capital for small businesses. However, in the wake of the credit crunch and a slowing U.S. economy, we are now noticing that this essential financing resource is not serving nearly as many small businesses as it should. For example, during the first quarter of the 2008 fiscal year, 7(a) lending was down by 12 percent compared with the same period last year. In addition, at his State of the Agency Address this past Tuesday, SBA Administrator Steven Preston acknowledged that SBA lending was down in its largest program.

The Small Business Stimulus Act of 2008 will help reverse this downward trend in small business lending. The

bill will temporarily reduce the fees collected from borrowers and lenders. This will immediately reduce the cost of capital for small businesses. With lower monthly loan payments, more money will be placed into the hands of small business owners money that will be quickly injected into the economy through purchases of inventory, real estate, and equipment. The fee reduction for lenders, coupled with the government guarantee, will give them an incentive to make 7(a) loans, as banks are scrambling for ways to salvage declining revenues and take on less risky loans. A similar stimulus was adopted after 9/11, and lending increased to businesses nationwide, pumping almost \$3 billion into local economies and creating or retaining more than 90,000 jobs.

The bill also provides additional funding for the SBA's microloan program. As its name implies, microloans are small-scale business loans, which provide an essential financing source to underserved members of the business population, including women and minorities. This bill provides \$12 million to expand the SBA's microloan program, including \$2 million that will help leverage nearly \$20 million in microloans.

The Small Business Stimulus Act of 2008 also includes two business tax incentives that will help small businesses that are feeling the impact of the economic downturn. The first provision would increase the amount that businesses can expense from \$125,000 to \$200,000 for 2008. This will help businesses immediately write off business purchases. The second provision increases the net operating carry back period for losses arising in taxable years ending in 2007 and 2008 from 2 years to 5 years. This provision will help business with cash flow. Expanding the carry back allows business owners to balance out net losses over years when the business has had a net operating gain.

I am confident that each of these targeted measures will provide timely, effective incentives to spur spending and encourage new investment and job growth in the hundreds of thousands of small businesses that drive this Nation's economy.

REMEMBERING THE UKRAINIAN FAMINE

Mr. VOINOVICH. Mr. President, I wish to remember the trials faced by the Ukrainian people and to pay tribute to their fortitude and love of freedom. At times in its history, Ukraine has been exploited and suffered greatly under repressive occupations. The Stalinist regime of the former Soviet Union sought to maintain control of the people and resources of the Ukraine through vicious oppression. The Ukrainian people have weathered many trials, but they have always fought for their freedom. It is my belief that as we embrace Ukraine's future, we must

always remember the hardships of its past.

The Ukrainian peasantry rebelled against the collectivization policies imposed on them by the Stalinist regime starting in 1925. It is documented that very few farmers voluntarily joined collectives until Soviet secret police and Bolshevik brigades were sent to crush the resistance. As agricultural production fell in 1932 due to drought and these Stalinist policies, the regime attempted to maintain its export level. To do this the regime brutally confiscated grain and foodstuffs from hunger-stricken villages. Trade and supplies of food and goods were banned from those villages which were considered to be "underperforming," while families who resisted were banished to central Asia. The totalitarian regime meted out harsh sentences, even the death penalty, against those who stole even small amounts of grain. We can never forget that over 2,000 innocent people, including children as young as 12 years old, were executed under this law.

In 1932, Stalin imposed barricades throughout the USSR to prevent peasants from fleeing those regions stricken by famine. It was a state-organized program of mass starvation against the nation of Ukraine as a whole and the revived Ukrainian nationalism. It had been inflicted on them deliberately to punish Ukraine and destroy the basis of its nationhood. The famine-genocide of the Holodomor resulted in the tragic and unforgettable loss of millions of Ukrainian lives. Nevertheless, the Stalinist regime denied reports of mass deaths and forbade travel to the area to deter foreign journalists from reporting on these terrible crimes. In fact, these horrible crimes remained largely unknown to the broader world for decades as a result of the denials and coverups of the Soviet authorities and their refusal of offers of international aid.

Through its determination to remember the victims of the famine and Soviet oppression, the Ukrainian American community has helped to bring these events to light. Their efforts have helped to give a voice to the millions of people who suffered, starved, and died as a result of a flawed policy and authoritarian regime.

On the 75th anniversary of the Ukrainian famine-genocide, we must continue the important work of the Ukrainian American community by remembering the cruel injustices suffered by the Ukrainian people during that part of history. By so doing, we are not only honoring the millions of victims of this oppression, but we are helping to prevent a tragedy like this from happening again in the future.

CURRENT ELECTORAL CRISIS IN KENYA

Mr. FEINGOLD. Mr. President, just over 1 month ago, in the days before the December 27 president election, I